



IFW/B

Docket No.: 43888-126

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Kazufumi NISHIDA, et al. : Confirmation Number: 8047
Application No.: 10/088,110 : Group Art Unit: 1745
Filed: March 15, 2002 : Allowed: January 14, 2005
Examiner: JULIAN A MERCADO
For: POLYMER ELECTROLYTE FUEL CELL

**LETTER UNDER 37 CFR 1.312 RESPONDING TO EXAMINER'S REASONS
FOR ALLOWANCE**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance/Allowability mailed on January 14, 2005 is acknowledged and appreciated. At the bottom of page 2 through the top of page 3 of the Detailed Action attached to the Notice of Allowability mailed on January 14, 2005, it states that "the examiner does not agree with applicant's characterization that Hwang et al. is oxidative-*susceptible* while Neutzler is oxidative-*resistant*. Both Neutzler and Hwang et al. are asserted as drawn to teaching corrosion-resistant separator plates."

However, for the purpose of clarifying the record, it is submitted that Applicants did not characterize Hwang et al. as exclusively oxidative-susceptible. Instead, Applicants stated, at the bottom of page 9 through page 10 of Applicants' response filed on October 14, 2004, that:

... Hwang is directed to a different type of anti-corrosion problem in an environment (e.g., high temperature carbonate) that is not relevant to Neutzler. For example, the corresponding "conductive film" of Hwang is an aluminum layer 53 formed on a nickel layer 52 which is in turn coated on a stainless steel plate 50. As such, Hwang uses an oxidative-susceptible "conductive film" to form the alleged diffusion/intermediate layer whereas Neutzler expressly discloses an oxidative-resistant "conductive film" 94,96 (*see col. 5, lines 28-30 of Neutzler*).

Accordingly, Neutzler's device already has an anti-corrosive film 94,96 for the separator and has no disclosed need or desire for an additional diffusion/intermediate layer. Hwang, on the other hand, relies exclusively on the diffusion/intermediate layer to provide the anti-corrosive property to the separator. Therefore, both Hwang and Neutzler, alone or in combination, suggest only a single anti-corrosive film.

... Indeed, as described in the Background of the Invention section of Hwang, aluminum is disclosed as the anti-corrosive layer thereby evidencing that the anti-corrosion problems being solved by Hwang are unrelated to Neutzler (e.g., dissolving vs. oxidizing, etc.).

(emphasis added; original emphasis from Applicants' response dated October 14, 2004 removed).

No extension of time is deemed necessary. Nonetheless, to the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MWE
Facsimile: 202.756.8087
Date: January 24, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**